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of the non-enforcement of laws concededly useful inspires one to reflect upon Blackstone's smug generalization of a hundred and sixty years' standing, that democracy is characterized by "goodness of intention" and "weakness in execution." (1 Jones' Blackstone, Int. \*50.) The papers on the League of Nations, on the other hand, will incline the reader to ponder whether the wisdom of our political fathers who were Blackstone's contemporaries is eternal wisdom. Mr. Taft believes that it is not. His case for the League of Nations bases on the proposition that isolation is no longer a sage thing.

Specifically the papers include the following: an "Address to the Harvard Law School Students"; an address upon "Some Responsibilities of the American Lawyer"; two papers on "The Bar in the War"; an address upon "Aspects of Bolshevism and Americanism"; some three papers dealing with the League of Nations, published originally in the New York Times last year; an article, "What Is to Be Done With Our Railroads?" a question not yet by any means answered; with incidental addresses and papers upon such matters as the "Recall on Decisions," "State Control of Navigable Waters," "The Tobacco Trust Decisions," and several after-dinner addresses on lawyers' occasions.

*G. H. Robinson.*

THE LAW OF REAL PROPERTY AND OTHER INTERESTS IN LAND. By Herbert Thorndike Tiffany. Enlarged Edition. Three volumes; vol. I, pp. xxxii, 1196; vol. II, pp. xiv, 1197-2272; vol. III, pp. lx, 2273-3666. Chicago. Callaghan and Company, 1920.

The 1589 pages of the original edition of this standard work have developed into 3666 pages in the present edition. Moreover, the author has altered somewhat the title of his original book. It was formerly "A Treatise on the Modern Law of Real Property and other Interests in Land." He has dropped the designation "A Treatise" and the word "Modern" from his present title. In addition to this he has omitted his preface to the original edition, which defined his task as an effort "to present in moderate compass, the principles which govern the various branches of the law of land."

All these changes indicate a considerable modification in the scope and purpose of this excellent work. The present edition is not quite entitled to be called a commentary—the learned author would disclaim that title—but it certainly goes beyond the ordinary treatise in its fullness of discussion and completeness of citation. Mr. Tiffany is not one of those writers who regard the dicta of judges, however learned, or the conclusions of his predecessors in this field, however eminent, as conclusive. He is not content merely to cite propositions with authorities to support them. To him the law is a developing science, and he does not hesitate to discuss the problems of the law in the broadest way as living problems. For example, his whole chapter on Future Estates has been supplanted by one on the Rights and Possibilities of Future

Possession, to correspond with the author's developed views on the classification and nomenclature of this important and difficult subject. He has not, in stating these views or elsewhere, hesitated to take issue with the most reverend of the English and American high priests in this most sacred citadel of the law, where he has thought it was necessary to do so.

A significant feature of the present edition is the liberal citation of articles and notes from the law reviews, a species of literature that deals largely with controversial points of law. If there were nothing else to commend the book, this, to the reviewer's mind, would be sufficient. The bar is only beginning to learn something of the treasures locked up in the sort of writing that finds expression in law reviews.

Mr. Tiffany, though equipped with the learning of controversy, discusses his problems from the point of view of the practical man. His work is as remote as possible from the academic. It is rare that one finds such clearness and simplicity of statement in dealing with intricate matters; he has a distinct gift of expression. There is never any doubt as to what he means. Moreover, he is always perfectly frank in stating the views opposed to his own conclusions, a virtue that some very good law writers have seemed to lack. Take, for example, his treatment of the question whether an enforceable contract of sale is necessary for the validity of an escrow—a doctrine that interests the California lawyer, for it was in *Fitch v. Bunch*, 30 Cal. 208, that an affirmative answer was first given to the question. The reader will find, in addition to the admirable discussion in the text—in which Mr. Tiffany combats the California, now the prevailing, doctrine—references which put him in touch with the entire literature of the subject, ranging from the Year Books to volume 276 of the Illinois reports, from Shepard's Touchstone to Devlin on Deeds. That *Thomas v. Birch*, 178 Cal. 483, is not cited can scarcely be urged as a reproach—the case was not decided until July, 1918, not available in the Pacific Reporter for some months thereafter, and in view of the exigencies of proof-reading and the other mechanics of bookmaking could hardly have been included. With Tiffany's book plus Shepard's citations, the busy lawyer will be abreast of the latest decisions on this point within, say, fifteen minutes. Before the present edition it would have taken many toilsome hours to get sufficient material to form an opinion. And to put himself in possession of all the material, including Ames' History of Assumpsit and Holdsworth's History of the Common Law, he must have been a man of rare learning. Moreover, even if by dint of learning and industry, he got the materials together, he would still lack Mr. Tiffany's clear exposition and acute criticism, which, whether he agree with it or not, he will find an invaluable guide in making the best use of the material, and a stimulant to his own thinking.

Mr. Tiffany has achieved a colossal task. He has written a standard book on the American law of real property, where there was none before he wrote. If one now asks a librarian or lawyer

or law teacher for a general book on property law, he can answer in a word, Tiffany, whereas formerly he would have to apologize concerning the peculiar situation of American law, to tell how impossible it was to write a book on property, to mention books that dealt with this or that fraction of the subject. Mr. Tiffany has, however, made his own and developed the results of the work of writers like Gray in our country and Leake and Challis in England. He has thought through the entire subject and has correlated his thinking with the great mass of American and English case law. His book will doubtless have great influence in the shaping of judicial opinion and in the training of young men for the bar. In the opinion of the reviewer, he has produced a work comparable with that of Pomeroy on Equity, one that should play an equally important part in our legal history.

The labor of making the book must have been a tremendous one; we may hope that the author will find his reward in the appreciative use by the profession and the courts of his very valuable treatise.

*Orrin K. McMurray.*

THE OUTLINE OF HISTORY, BEING A PLAIN HISTORY OF LIFE AND MANKIND. By. H. G. Wells. Written with the advice and editorial help of Sir Ernest Barker, Sir H. H. Johnston, Sir E. Ray Lankester and Professor Gilbert Murray. 2 volumes. Vol. I, pp. xix, 648; Vol. II, pp. x, 676. New York, The Macmillan Company. 1920.

The excuse for mentioning this book in a more or less technical review such as this is that sooner or later everybody will read it. The reviewer's aim is to urge those whose eye may fall on these lines to read the book now. Mr. Wells has written a book upon a new subject—man. Man is the hero of the story. "All the things that men and nations do are the outcome of instinctive motives reacting upon the ideas which talk and books and newspapers and schoolmasters and so forth have put into people's heads. Physical necessities, pestilences, changes of climate, and the like outer things may deflect and distort the growth of human history, but its living root is thought. All human history is fundamentally a history of ideas. Between the man of today and the Cro-Magnard the physical and mental differences are very slight: their essential difference lies in the extent and content of the mental background which we have acquired in the five or six hundred generations that intervene." Mr. Wells believes in his hero, believes that he is destined to advance as far beyond his present state as modern man has beyond the Neanderthaler. What limit to the mind that devised language, that turned the wild beast and death-dealing fire to its own uses! On this grand canvas Roman law shrinks to a footnote, Napoleon to a blundering scoundrel. Every university, every common school in England and America, will be touched somehow by the impulse originated by this great work of constructive imagination. Mr. Wells' attempt to create some comprehension